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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/07/2002

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EXAMINER

HO, THOMAS Y

ART UNIT

PAPER NUMBER

3677

- DATE MAILED: 10/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,197

Applicant(s)

EHRET ET AL.

Examiner

Thomas Y Ho

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/19/01
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “restoring spring” (claims 11, 18) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 10 is objected to because of the following informalities: the phrase “in particular” is vague. The Examiner recommends removal of the phrase from the claim language. Appropriate correction is required.

Claim 11 is objected to because of the following informalities: “preatressing” should be corrected to --prestressing--. The Examiner recommends removal of the phrase from the claim language. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10-13 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Azuma USPN5806246.

As to claim 10, Azuma discloses a latching mechanism having:

- A rotary latch 103.
- A closing aid B1 (col.10, ln.34-43) which acts on the latter.
- With aid of a drive M2, carries along a door to be closed over a last section into closed position (col.10, ln.40-43).
- Wherein the drive M2 of the closing aid B1 is separated structurally from the door lock B2.
- And a flexible drive element 91 is provided for transmitting force from the drive B2 to the rotary latch 103 (col.14, ln.21-26)

As to claim 11, Azuma discloses a latching mechanism wherein:

- The rotary latch 103 is moveable into its closed position, counter to force of a restoring spring 106, by the flexible drive element 91 in form of a tension element (col.14, ln.21-26, ln.35-38).

Art Unit: 3677

As to claim 12, Azuma discloses a latching mechanism wherein:

- The drive M2 drives a cable winch or cable eccentric 80 (col.11, ln.54-67) onto which the drive element 91 is windable (col.11, ln.60-65).

As to claim 13, Azuma discloses a latching mechanism wherein:

- The flexible drive element 91 is a metal cable (col.1, ln.5-10).

As to claim 17, Azuma discloses a latching mechanism wherein:

- The drive element 91 is kept under stress in all operating states by at least one prestressing spring (col.11, ln.45-53).

As to claim 18, Azuma discloses a latching mechanism wherein:

- At least a restoring spring 106 of the rotary latch and/or a restoring spring 118 of a driving lever 117 acting on said rotary latch 103 ensures that the drive element 91 is prestressed (fig.18).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azuma
USPN5806246.

Art Unit: 3677

As to claim 14, Azuma fails to disclose:

- The flexible drive element undergoes a change in direction with aid of at least one deflection roller.

Azuma discloses a flexible drive element 16 that undergoes a change in direction with aid of at least one deflection roller 17 used to position the cable in any desirable direction. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the flexible drive element of the door closing aid disclosed by Azuma to have a deflection roller, as taught by Azuma, to position the cable in the desired direction.

As to claim 15, Azuma fails to disclose:

- The deflection roller is moveable from its normal position into an auxiliary opening position shortening the path of the drive element.

Azuma discloses a deflection roller 20 that is moveable from a normal position into an auxiliary opening position shortening the path of the drive element 16. The normal position of the deflection roller 20 is in the direction of biasing by spring 26. When the actuator 12 rotates the drum 11 to wind the cable 16, tension in cable 16 increases (col.9, ln.55-65), which causes the deflection roller 20 to move against the bias of spring 26 into a position allowing for a straight path between points (shorter distance). Azuma discloses the use of the deflection roller 20 to urge the cable 16 laterally to provide a suitable tension in the cable (col.7, ln.60-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the flexible drive element of the door closing aid disclosed by Azuma to have a deflection roller, as taught by Azuma, to provide suitable tension in the cable.

Art Unit: 3677

As to claim 16, Azuma fails to disclose:

- The deflection roller is arranged on a toggle lever which is foldable in by actuation of an auxiliary opening device.

Azuma discloses a deflection roller arranged on a toggle lever 26 which is foldable in by actuation of an auxiliary opening device 12. The biasing means 26 is a toggle lever in that it has two rigid bars (legs) pivoted on a fixed point 25 and foldable towards one another to transmit force, and also is a toggle in that it is a crosspiece inserted into a loop to tighten or hold an attached object. Furthermore, the spring 26 is foldable in (legs together) upon tensioning of the drive element 16 by the actuator 12. Azuma discloses the use of the toggle lever 26 to urge the cable 16 laterally to provide a suitable tension in the cable (col.7, ln.60-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the flexible drive element of the door closing aid disclosed by Azuma to have a deflection roller, as taught by Azuma, to provide suitable tension in the cable.

Art Unit: 3677

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN4575138 to Nakamura discloses a door-latching device.

USPN5618068 to Mitsui discloses a door lock apparatus.

USPN5273324 to Kobayashi discloses a power door lock device.

USPN6026705 to Ficyk discloses a cable assembly.


USPN6053542 to Ostrowski discloses a vehicle door latch.

USPN6168216 to Nakajima discloses a vehicle door latch device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y. Ho whose email address is thomas.ho@uspto.gov and telephone number is (703) 305-4556. The examiner can normally be reached on M-F 9:30AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-3366.

TYH
September 30, 2002


ROBERT J. SANDY
PRIMARY EXAMINER